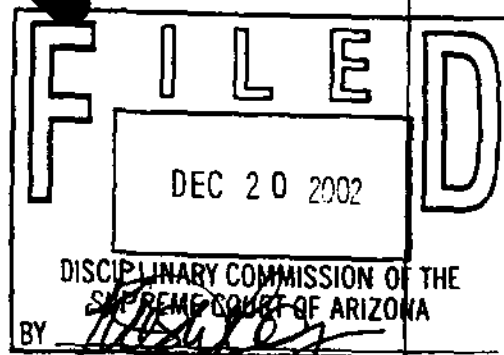


Karen Clark, Bar No.012665  
Staff Bar Counsel  
State Bar of Arizona  
111 W. Monroe, Suite 1800  
Phoenix, AZ 85003-1742  
Telephone (602) 340-7247



**BEFORE THE DISCIPLINARY COMMISSION  
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

**LEE P. BLAKE,**  
Bar No. 016377

Respondent.

Nos. 01-1624 and 01-2198

**TENDER OF ADMISSIONS  
AND AGREEMENT FOR  
DISCIPLINE BY CONSENT**

This agreement is entered into between the State Bar of Arizona and Respondent, who is represented by attorney Shawn Aiken. The parties submit this Agreement under Rule 56(a), Ariz.R.S.Ct., and the guidelines for discipline by consent issued by the Disciplinary Commission of the Supreme Court of Arizona. Respondent conditionally admits violating Rule 42, Ariz.R.S.Ct., ER 3.4(c), 5.5, 8.4(c) and (d), Rule 31(a)(3) and Rule 51(f), as more fully set forth below.

Subject to review and acceptance by the Disciplinary Commission and the Supreme Court of Arizona, Respondent agrees to accept imposition of a censure, two years probation and payment of the costs and expenses of the disciplinary

1 proceedings. Respondent also agrees as a part of the sanction herein to participate  
2 in fee arbitration regarding State Bar file numbers 01-1624 and 01-2198.

3 **FACTS**

4 **General Allegations**

5  
6 1. At all times relevant hereto, Respondent was an attorney licensed to  
7 practice law in the State of Arizona, having been admitted to practice law in  
8 Arizona on October 21, 1995.

9  
10 2. Respondent was summarily suspended pursuant to Rules 31(c)(9) and  
11 52(d), Ariz.R.S.Ct. on April 28, 2000 until May 11, 2000 for nonpayment of dues  
12 ("the first period of suspension").

13  
14 3. Respondent was again summarily suspended pursuant to Rule 45(h),  
15 Ariz. R. S. Ct. on June 14, 2000 until January 19, 2001 for noncompliance with  
16 Rule 45, Mandatory Continuing Legal Education ("the second period of  
17 suspension").

18  
19 4. During the time period relevant to this complaint, Respondent was  
20 employed as an associate with the Neuheisel Law Firm ("the firm"). Respondent  
21 resigned from the firm in June 2001, after accepting employment elsewhere.

22 **COUNT ONE (File Nos. 01-1624; 01-2198)**

23  
24 5. Respondent engaged in the unauthorized practice of law by continuing  
25

1 to practice during the time he was suspended. Respondent continued to practice  
2 during both the first and second periods of suspension referenced above.

3  
4 For example, in file no. 01-1624, Jim Lawrence ("Lawrence") retained  
5 Respondent to represent him in a personal injury action related to a car accident  
6 involving Lawrence's wife and two children, which occurred in April 2000.  
7 Respondent provided legal services to Lawrence, including giving him legal  
8 advice, writing letters on Lawrence's behalf to the insurance company, and  
9 engaging in settlement negotiations with the insurance company.  
10

11 As another example, in file no. 01-2198, Katherine Rowley ("Rowley")  
12 retained Respondent to represent her in a personal injury action related to a slip  
13 and fall accident which occurred on November 5, 1998. Respondent provided  
14 legal services to Rowley, including giving her legal advice, and filing a lawsuit on  
15 her behalf.  
16

17 In addition to the two above-referenced examples, Respondent represented  
18 other clients as an associate with the firm during the time he was suspended.  
19 Respondent's practice while engaged with the firm consisted of representing  
20 clients in personal injury and other general civil cases. During the time he was  
21 suspended, Respondent appeared at a number of hearings and represented  
22 approximately twenty clients.  
23  
24  
25

1 Respondent asserts he was unaware of the first period of suspension, which  
2 lasted only a couple of weeks (from April 28, 2000 until May 11, 2000). However,  
3 Respondent conditionally admits he knowingly practiced law for a period of  
4 approximately seven months during the second period of suspension (from June  
5 14, 2000 until January 19, 2001). During the State Bar's investigation in this  
6 matter, Respondent voluntarily notified the State Bar that he had practiced law  
7 while suspended, during both the first and second periods of suspension.  
8  
9

### 10 CONDITIONAL ADMISSIONS

11 Respondent conditionally admits that his conduct, as set forth above,  
12 violated the Rules of Professional Conduct and the Rules of the Supreme Court,  
13 specifically: Rule 42, Ariz.R.S.Ct., ER 3.4(c), 5.5, 8.4(c) and (d), and Rule  
14 31(a)(3) and Rule 51(f), Ariz.R.S.Ct.  
15

### 16 SANCTIONS

17 Respondent and the State Bar agree that based upon the conditional  
18 admissions contained herein, the following disciplinary sanctions will be  
19 imposed:  
20

- 21 1. Respondent will receive a censure for violating Rule 42,  
22 Ariz.R.S.Ct., ER 3.4(c), 5.5, 8.4(c) and (d), and Rule 31(a)(3) and Rule  
23 51(f), Ariz. R. S. Ct.  
24  
25

1        2.        Respondent will be placed on probation for a period of two (2) years.

2        The terms of probation will be as follows:

- 3            a.        Respondent will, within thirty (30) days of the issuance of a  
4                   judgment and order by the Supreme Court of Arizona, contact the  
5                   director of the Membership Assistance Program (MAP) at the  
6                   State Bar of Arizona to schedule a MAP assessment. The MAP  
7                   director or her designee will complete the assessment no later  
8                   than ninety (90) days after issuance of a judgment and order by  
9                   the Supreme Court of Arizona. Following the assessment,  
10                  respondent will enter into a Memorandum of Understanding.
- 11            b.        Respondent will be responsible for the costs and expenses  
12                   associated with his participation in the MAP program.
- 13            c.        Respondent shall participate in the State Bar's fee arbitration  
14                   program for any claim made by any client in File Nos. 01-1624  
15                   and 01-2198 within six months of the date of the judgment and  
16                   order in this matter, and shall pay any award in the amount and  
17                   within the time frame set by the Fee Arbitration Committee. The  
18                   State Bar shall inform the clients in the above-referenced files  
19                   that respondent is required to participate in fee arbitration if they

1 file a petition for fee arbitration with the State Bar within six  
2 months of the entry of a judgment and order in this matter.

3 2. Respondent will pay all costs and expenses incurred in the  
4 disciplinary proceedings in this matter. Attached hereto is a statement of costs  
5 and expenses incurred by the State Bar in this disciplinary proceeding.  
6

7 3. In the event Respondent fails to pay the costs and expenses as  
8 noted in paragraph 2 or fails to comply with the terms of probation, Bar Counsel  
9 will file a Notice of Non-Compliance with the hearing officer previously assigned  
10 to this matter.<sup>1</sup> The hearing officer will conduct a hearing at the earliest practical  
11 date, but in no event later than thirty (30) days following receipt of said notice,  
12 and will determine whether the terms of probation have been breached and, if so,  
13 recommend appropriate action and response to such breach. If there is an  
14 allegation that Respondent failed to comply with any of the foregoing terms, the  
15 burden of proof will be on the State Bar to prove non-compliance by a  
16 preponderance of the evidence.  
17  
18  
19

20 Respondent conditionally admits he engaged in the conduct set forth above,  
21 and the rule violations indicated, in exchange for the form of discipline set forth  
22 above.  
23  
24  
25

---

<sup>1</sup> Although Rule 52(a)6.C., Ariz.R.S.Ct., states that the report shall be to the "imposing entity," this Commission has previously indicated that it prefers that such report be provided to the previously assigned hearing officer.

1 Respondent, by entering into this agreement, waives his right to a formal  
2 disciplinary hearing that he would otherwise be entitled to under Rule 53(c)(6),  
3 Ariz.R.S.Ct., and the right to testify and present witnesses on his behalf at a  
4 hearing. Respondent further waives all motions, defenses, objections or requests  
5 that he has made or raised, or could assert hereafter, if the conditional admissions  
6 and stated forms of discipline are approved. Respondent has received the  
7 assistance of counsel in these proceedings and acknowledges that he has read this  
8 agreement and received a copy of it. Respondent submits this agreement with  
9 conditional admissions freely and voluntarily, and without coercion or  
10 intimidation, and is aware of the Rules of the Supreme Court with respect to  
11 discipline.  
12  
13  
14

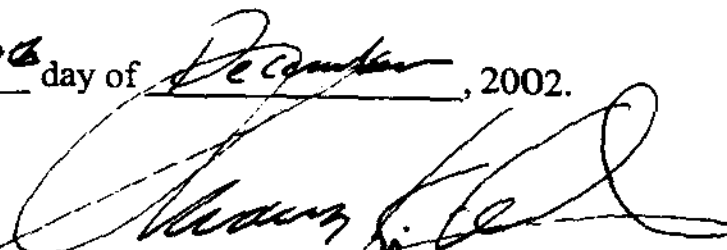
15 This tender of admissions and agreement for discipline by consent will be  
16 submitted to the Disciplinary Commission for review and approval. Respondent  
17 realizes that the Disciplinary Commission may request his presence at a hearing  
18 for presentation of evidence and/or oral argument in support of this agreement.  
19 Respondent further recognizes that the Disciplinary Commission may  
20 recommend rejection of this agreement, and that the Arizona Supreme Court may  
21 accept or reject the Disciplinary Commission's recommendation. Respondent  
22 further understands that if this agreement is rejected at any time, his conditional  
23 admissions are withdrawn.  
24  
25

1        This agreement, with conditional admissions, is submitted freely and  
2 voluntarily and not under coercion or intimidation. I am aware of the Rules  
3 of the Supreme Court with respect to discipline and reinstatement.


4        DATED this 19<sup>th</sup> day of December, 2002.

5          
6 \_\_\_\_\_  
7 Lee P. Blake  
8 Respondent

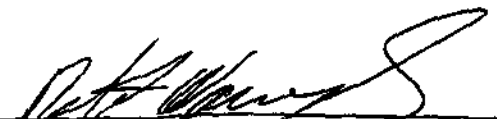
9        DATED this 19<sup>th</sup> day of December, 2002.

10          
11 \_\_\_\_\_  
12 Shawn K. Aiken  
13 Respondent's Counsel

14        DATED this 20<sup>th</sup> day of December, 2002.

15          
16 \_\_\_\_\_  
17 Karen Clark  
18 Senior Bar Counsel

19        Approved as to form and content:

20          
21 \_\_\_\_\_  
22 Robert B. Van Wyck  
23 Chief Bar Counsel



1  
2 Original filed with the Disciplinary Clerk  
3 this 20<sup>th</sup> day of December, 2002

4  
5 by: Maria Hauer  
6 KC:mn

7  
8 .....  
9 .....  
10 Copy of the foregoing mailed  
11 this 20<sup>th</sup> day of December 2002 to:

12 Shawn K. Aiken  
13 HEBERT SCHENK P.C.  
14 1440 E. Missouri Avenue, Suite 125  
15 Phoenix, Arizona 85014  
16 Respondent's Counsel

17 Copy of the foregoing hand-delivered  
18 this 20<sup>th</sup> day of December 2002 to:

19 Lawyer Regulation Records Manager  
20 State Bar of Arizona  
21 111 W. Monroe, Suite 1800  
22 Phoenix, Arizona 85003

23 by: Maria Hauer  
24 KC:mn  
25

MAY 20 2002

STATE BAR OF ARIZONA

*G. Perkins*

BEFORE THE PROBABLE CAUSE PANELIST

OF THE STATE BAR OF ARIZONA

IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

LEE P. BLAKE,  
Bar No. 016377

Respondent.

No. 01-1624

PROBABLE CAUSE ORDER

The Probable Cause Panelist of the State Bar, having reviewed this matter pursuant to Rule 53(b), Ariz.R.S.Ct., finds that probable cause exists to issue a complaint against respondent for violations of Rule 42, Ariz.R.S.Ct., including but not limited to ER 3.4(c), 5.5, 8.4(c) & (d), Rule 31(a)(3) and Rule 51(f).

IT IS THEREFORE ORDERED that the State Bar prepare and file a complaint with the Disciplinary Clerk.

DATED this 15 day of May, 2002.



Pamela A. Treadwell-Rubin  
Probable Cause Panelist  
State Bar of Arizona

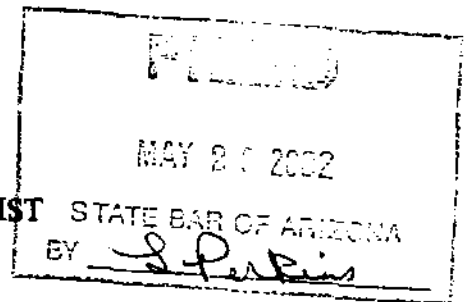
Copy mailed/hand-delivered this 30 day of  
May, 2002, to:

Lee P. Blake  
Attorney at Law  
10401 N. 52<sup>nd</sup> Street, #115  
Scottsdale, AZ 85253

by:

*Joni Wyatt*  
KC:mm

BEFORE THE PROBABLE CAUSE PANELIST  
OF THE STATE BAR OF ARIZONA



IN THE MATTER OF A MEMBER  
OF THE STATE BAR OF ARIZONA,

LEE P. BLAKE,  
Bar No. 016377

Respondent.

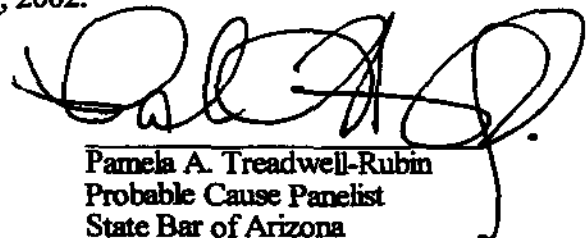
No. 01-2198

PROBABLE CAUSE ORDER

The Probable Cause Panelist of the State Bar, having reviewed this matter pursuant to Rule 53(b), Ariz.R.S.Ct., finds that probable cause exists to issue a complaint against respondent for violations of Rule 42, Ariz.R.S.Ct., including but not limited to ER 3.4(c), 5.5, 8.4(c) & (d), Rule 31(a)(3) and Rule 51(f).

IT IS THEREFORE ORDERED that the State Bar prepare and file a complaint with the Disciplinary Clerk.

DATED this 15 day of May, 2002.

  
Pamela A. Treadwell-Rubin  
Probable Cause Panelist  
State Bar of Arizona

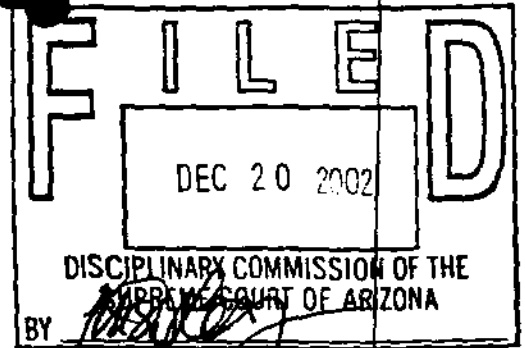
Copy mailed/hand-delivered this 30 day of May, 2002, to:

Lee P. Blake  
Attorney at Law  
10401 N. 52<sup>nd</sup> Street, #115  
Scottsdale, AZ 85253

by:

  
KC:mm

1 Karen Clark, Bar No.012665  
2 Staff Bar Counsel  
3 State Bar of Arizona  
4 111 W. Monroe, Suite 1800  
5 Phoenix, AZ 85003-1742  
6 Telephone (602) 340-7247



7  
8 **BEFORE THE DISCIPLINARY COMMISSION**  
9 **OF THE SUPREME COURT OF ARIZONA**

10 IN THE MATTER OF A MEMBER )  
11 OF THE STATE BAR OF ARIZONA, )

Nos. 01-1624 and 01-2198

12 **LEE P. BLAKE,** )  
13 Bar No. 016377 )

**JOINT MEMORANDUM**  
**IN SUPPORT OF**  
**AGREEMENT FOR**  
**DISCIPLINE BY CONSENT**

Respondent.

14 The State Bar of Arizona, through undersigned counsel, and Respondent,  
15 who is represented by attorney Shawn K. Aiken, hereby submit this joint  
16 memorandum in support of the tender of admissions and agreement for discipline  
17 by consent ("tender of admissions") file contemporaneously herewith.  
18

19 **CONDUCT**

20 As reflected in the tender of admissions, Respondent's misconduct  
21 involved violations of the Supreme Court Rules which prohibit the unauthorized  
22 practice of law. Respondent has conditionally admitted the facts as set forth in  
23 the tender of admissions.  
24  
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In determining the appropriate sanction, the parties considered both the American Bar Association's Standards for Imposing Lawyer Sanctions ("*Standards*") and Arizona discipline cases.

The *Standards* provide guidance with respect to the appropriate sanction in this matter. The Supreme Court and the Disciplinary Commission are consistent in utilizing the *Standards* to determine appropriate sanctions for attorney discipline. *In re Kaplan*, 179 Ariz. 175, 877 P.2d 274 (1994).

- 2

1 Pursuant to *Standard 7.3*, reprimand is generally appropriate when a lawyer  
2 negligently engages in conduct that is a violation of a duty owed as a professional,  
3 and causes injury or potential injury to a client, the public, or the legal system.  
4

5 Because Respondent knowingly practiced law while suspended, his conduct  
6 in this case falls under *Standard 7.2*. Therefore, the presumptive sanction pursuant  
7 to the *Standards* is a suspension.  
8

9 Having determined the presumptive sanction, an analysis of the relevant  
10 aggravating and mitigating factors is required. A review of *Standard 9.22* reveals  
11 no aggravating factors are present in this case. A review of *Standard 9.32* reveals  
12 that the following mitigating factors are present:  
13

14 (1) *Standard 9.32(a)*, absence of a prior disciplinary record. Respondent  
15 has not previously been sanctioned by the State Bar of Arizona.

16 (2) *Standard 9.32(b)*, absence of a dishonest or selfish motive.  
17 Respondent did not engage in any conduct involving dishonesty. He  
18 had completed his MCLE hours, and through neglect, failed to file  
19 the affidavit. The reasons for his underlying conduct are set forth in  
20 Exhibits 1 and 3. Respondent's conduct did not involve a selfish  
21 motive.  
22

23 (3) *Standard 9.32(c)*, personal or emotional problems. Before and  
24 during the periods of suspension, Respondent was beset by chronic  
25

1 depression and financial problems exacerbated by the dissolution of  
2 his 16-year marriage and custody dispute in 1999 and 2000. On June  
3 5, 2000, Dr. Dennis V. Weiss, board certified psychiatrist,  
4 summarized his diagnoses in the attached letter to Respondent's  
5 referring therapist. Exh. 1.<sup>1</sup>

6  
7 (4) *Standard 9.32(d)*, timely good faith effort to make restitution or to  
8 rectify the consequences of his misconduct. No clients were injured  
9 as a result of respondent's conduct in practicing during the periods of  
10 suspension. Respondent has agreed to fee arbitration for any  
11 potential client claims concerning his fees.

12  
13 (5) *Standard 9.32(e)*, full and free disclosure to a disciplinary board or  
14 cooperative attitude toward the proceedings. Respondent voluntarily  
15 disclosed to the State Bar his unauthorized practice of law during the  
16 first and second periods of suspension when the State Bar had not  
17 and likely would not have detected Respondent's unauthorized  
18 practice. Respondent has been extremely cooperative with the State  
19 Bar throughout its investigation.  
20  
21  
22  
23  
24  
25

---

<sup>1</sup> Respondent requests that the letters from his physicians attached as Exh. 1 and Exh. 3 remain sealed and confidential. The State Bar has no objection.

- 1 (6) *Standard 9.32(g)*, character or reputation. Attached hereto as Exhibit  
2 2 are letters from individuals attesting to Respondent's good  
3 character and reputation.<sup>2</sup>  
4
- 5 (7) *Standard 9.32(h)*, physical or mental disability or impairment. In  
6 July 2002, Dr. Robert B. Posner wrote to Staff Bar Counsel (Exh. 3)  
7 and confirmed that Respondent suffered from chronic depression,  
8 which, coupled with his personal circumstances, "certainly affected  
9 [Respondent] during the critical year of 2000[.]"  
10
- 11 (8) *Standard 9.32(l)*, remorse. Respondent understands that his conduct  
12 was wrong and has expressed his remorse at every turn in the  
13 proceedings.  
14

15 A significant factor not enumerated in the *Standards* is present in this case:  
16 Respondent's self-disclosure that he was practicing law while suspended. But  
17 for Respondent's candid and unsolicited disclosure of this fact, bar counsel  
18 would most likely not have discovered it. Respondent made the disclosure  
19 because it was weighing on his conscience, despite the fact that he knew bar  
20 counsel had not discovered the information, and despite Respondent's knowledge  
21 that he was likely to suffer additional disciplinary sanctions if he revealed it.  
22  
23  
24  
25

---

<sup>2</sup> Respondent asks leave to submit supporting letters following submission of this memorandum.



1 Respondent's disclosure of this information to bar counsel is due considerable  
2 weight as a mitigating factor in this case.

### 3 Proportionality

4  
5 There are several cases that provide relevant precedent concerning the  
6 appropriate sanction in this case.

7 *In re Kistler*, SB 00-0098 (2000), is a case involving the unauthorized  
8 practice of law. Kistler failed to withdraw from a court case after his suspension,  
9 and used letterhead in another case while suspended. Kistler did not believe that  
10 he was committing UPL. There was only one aggravating factor in the case:  
11 substantial experience in the practice of law. There were five factors in mitigation:  
12 absence of prior discipline, personal problems, cooperation with the State Bar,  
13 character and reputation, and remorse. Kistler received a censure and probation.

14  
15  
16 *In re Rhees*, SB 01-0161 (2001) also involves the unauthorized practice of  
17 law. Rhees remained attorney of record for eighteen (18) clients after he had been  
18 suspended, including filing motions and pleadings on their behalf. Rhees also  
19 attended one hearing, and made misrepresentations to the court and clients about  
20 his MCLE affidavit. The Disciplinary Commission found that the *Standards*  
21 governing lack of candor towards the tribunal applied. There were two  
22 aggravating factors: multiple offenses and substantial experience in the practice of  
23 law. There were four mitigating factors: absence of prior discipline, cooperation  
24  
25

1 with the State Bar, mental disability and remorse. The Disciplinary Commission  
2 gave weight to Respondent's mental disability and his probation requiring him to  
3 continue with treatment. Rhees received a four-month suspension.  
4

5 In *In re Allred* SB 98-0049 (1998), the lawyer continued to practice law  
6 while suspended for failure to comply with MCLE requirements. Allred told a  
7 judge that she had been reinstated when she had not. Allred had not completed the  
8 required MCLE courses. The *Standards* governing lack of candor to the tribunal  
9 applied in this case. There was only one aggravating factor: substantial experience  
10 in the practice of law. There were four factors in mitigation: personal or emotional  
11 problems, mental disability, no dishonest motive, and cooperation with the State  
12 Bar. Allred was suspended for six months and a day.  
13  
14

15 In *In re Larriva* SB 96-0020 (1997), the lawyer continued to practice law  
16 while suspended for MCLE. Larriva failed to respond to the State Bar's requests  
17 for information during the investigation, and failed to answer the formal complaint.  
18 Larriva also had prior discipline. The Disciplinary Commission found there were 3  
19 mitigating factors: no dishonest motive, cooperation with the State Bar (but only  
20 after formal proceedings were initiated), and Larriva's alcoholism. However, the  
21 Disciplinary Commission found there was no causal link between Larriva's  
22 alcoholism and his conduct. There were three factors in aggravation: thirty years  
23 of experience in the practice of law; failure to respond to the State Bar; and prior  
24  
25

1 discipline. This factor was significant, in that Larriva had been in formally  
2 reprimanded in 1993 (four years earlier) for failing to cooperate in a State Bar  
3 investigation. For these reasons, the Disciplinary Commission increased the  
4 hearing officer's recommended sanction of a censure to a suspension of six months  
5 and a day.

7       In *In re Kalish*, State Bar 96-0013 (1996), the lawyer failed to protect his  
8 clients interests at the termination of representation, failed to adequately  
9 communicate with his clients. The case against Kalish involved four counts.  
10 Kalish failed to respond to the State Bar's inquiries in each of the matters. The  
11 Disciplinary Commission found two aggravating factors: substantial experience in  
12 the practice, and a pattern of misconduct for failing to respond to the State Bar in  
13 each of the counts. There were four mitigating factors present in the case: no prior  
14 discipline, no dishonest motive, remorse and personal problems. Kalish received a  
15 four-month suspension.

18       In *In re Stevens*, 178 Ariz. 261 (1994) Stevens appeared in court, and  
19 prepared documents for the court's signature, despite his MCLE suspension.  
20 Steven had been suspended for less than three weeks, and he engaged in the  
21 unauthorized practice one day after filing his MCLE affidavit, but one week prior  
22 to actually being reinstated. Steven's failure to file his affidavit was intentional, as  
23 he intended to file a federal challenge to Rule 45. The Disciplinary Commission  
24  
25

1 found only one aggravating factor: substantial experience in the practice of law.

2 There were six factors in mitigation: no prior discipline history, no dishonest  
3 motive, full cooperation with the State Bar, consenting to discipline prior to a  
4 formal complaint, remorse, and an apology to the court. Stevens received a  
5  
6 censure.

7       An analysis of the above cases reveals that censure is an appropriate  
8  
9 sanction, given the particular facts involved here. This case is dissimilar from the  
10 above cases in that Respondent did not make false statements to the court  
11 concerning his suspension, and did not fail to respond or cooperate with the State  
12 Bar's investigation. On the contrary, the State Bar considered as highly mitigating  
13 Respondent's voluntary disclosure to bar counsel that he had been practicing while  
14 suspended, his conduct had gone on undetected, had occurred years earlier, and  
15 would likely have gone undetected by the State Bar, but for his admission. In  
16  
17 addition, there are no aggravating factors present in this case, unlike the others,  
18  
19 where the majority of suspension cases involved attorneys who had substantial  
20 experience in the practice of law. In this case, Respondent had only been in  
21  
22 practice for five years.

23       In addition, there was no actual harm to any client, and the potential harm was  
24 minimal, as Respondent had in fact complied with the Supreme Court's MCLE  
25 requirements, but had simply failed to report his compliance to the State Bar, unlike

1 the lawyers in many of the cases cited above. For all of these reasons, this case is  
2 more analogous to cases where the Disciplinary Commission has imposed a  
3 censure for the unauthorized practice of law. The parties therefore urge the  
4 Disciplinary Commission to accept this as an appropriate sanction which will  
5 further the purposes of discipline.  
6

### 7 CONCLUSION

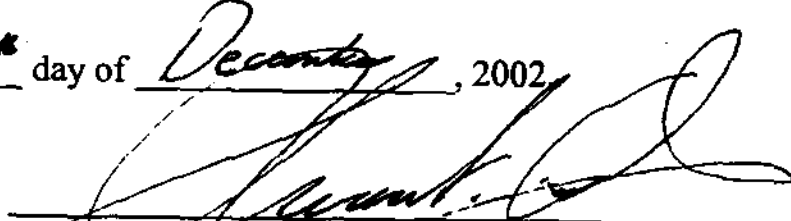
8 Based upon the *Standards* and relevant case law, the State Bar and  
9 Respondent believe that imposition of censure, two years probation and payment  
10 of the costs and expenses of the disciplinary proceedings is appropriate. Even  
11 though the presumptive sanction is suspension, the facts indicate that a mitigated  
12 sanction of censure and probation is warranted.  
13  
14

15 The Court and the Disciplinary Commission have repeatedly stated that the  
16 purpose of lawyer discipline is not to punish the offender but to protect the public,  
17 the profession, and the administration of justice. *In re Neville*, 147 Ariz. 106, 708  
18 P.2d 1297 (1988). The imposition of a censure, two years of probation, and  
19 payment of the costs and expenses of the disciplinary proceedings will accomplish  
20 these goals. For all of the above reasons, Respondent and the State Bar  
21 respectfully request the Disciplinary Commission to accept this Agreement for  
22 Discipline by Consent.  
23  
24  
25

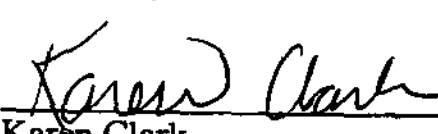
1 DATED this 19<sup>th</sup> day of December, 2002.

2  
3   
4 Lee P. Blake  
5 Respondent


6 DATED this 19<sup>th</sup> day of December, 2002.

7  
8   
9 Shawn K. Aiken  
10 Respondent's Counsel

11 DATED this 20<sup>th</sup> day of December, 2002.

12  
13   
14 Karen Clark  
15 Senior Bar Counsel  
16

17 Approved as to form and content:

18  
19   
20 Robert B. Van Wyck  
21 Chief Bar Counsel

22 Original filed with the Disciplinary Clerk  
23 this 20<sup>th</sup> day of December, 2002

24 by:   
25 KC:mn

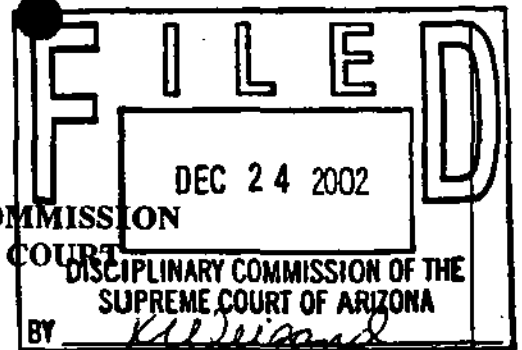
1 Copy of the foregoing mailed  
2 this 20<sup>th</sup> day of December 2002 to:  
3 Shawn K. Aiken  
4 HEBERT SCHENK P.C.  
5 1440 E. Missouri Avenue, Suite 125  
6 Phoenix, Arizona 85014  
7 Respondent's Counsel

8 Copy of the foregoing hand-delivered  
9 this 20<sup>th</sup> day of December 2002 to:

10 Lawyer Regulation Records Manager  
11 State Bar of Arizona  
12 111 W. Monroe, Suite 1800  
13 Phoenix, Arizona 85003

14 by: Mirina Lerner  
15 KC:mn

16 F:\Data\Blake.L\2208001\blake joint memo EMAILED TO RC 121902[1].doc  
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BEFORE THE DISCIPLINARY COMMISSION  
OF THE ARIZONA SUPREME COURT

DISCIPLINARY COMMISSION OF THE  
SUPREME COURT OF ARIZONA

BY K. D. Higgins

IN THE MATTER OF A MEMBER )  
OF THE STATE BAR OF ARIZONA, )

Nos. 01-1624, 01-2198

LEE P. BLAKE, )  
Bar No. 016377 )

PROTECTIVE ORDER

RESPONDENT. )

Having considered the parties' Joint Motion to Seal Exhibits 1 and 3 of the Joint Memorandum,

IT IS HEREBY ORDERED granting the Motion. Exhibits 1 and 3 to the Joint Memorandum shall be sealed and kept confidential pursuant to Rule 61(h), Ariz.R.S.Ct., except that said material may be made available for inspection to the State Bar of Arizona, Respondent, the Hearing Officer, the Disciplinary Commission and the Court. In addition, sealed material shall be opened and reviewed only by an order of the Hearing Officer, Disciplinary Commission, or Court for use by such body and the parties in proceedings then pending before it, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person furnishing the information.

DATED this 24<sup>th</sup> day of December, 2002.

Jessica G. Funkhouser  
Jessica G. Funkhouser, Chair  
Disciplinary Commission

Original filed with the Disciplinary Clerk  
this 24<sup>th</sup> day of December, 2002.

Copy of the foregoing mailed  
this 24<sup>th</sup> day of December, 2002, to:



1 Shawn K. Aiken  
2 Respondent's Counsel  
3 *Hebert Schenk P.C.*  
4 1440 E. Missouri Ave, Suite 125  
Phoenix, AZ 85014

5 Copy of the foregoing hand-delivered  
6 this 24<sup>th</sup> day of December, 2002, to:

7 Karen Clark  
8 Senior Bar Counsel  
9 State Bar of Arizona  
111 West Monroe, Suite 1800  
Phoenix, AZ 85003-1742

10 by: *Karen Weigand*  
11 Karen Weigand  
Commission Administrative Assistant  
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